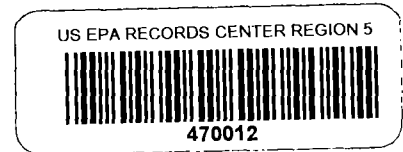


The Albion-Sheridan Landfill PRP Group

E. 2
11/10/97

November 10, 1997



Ms. Lois Hinkle
Real Estate Division
Michigan Department of Natural Resources
P.O. Box 3044
Lansing, Michigan 48909-7948

VIA FAX
URGENT

Subject: Request for Immediate Response Regarding Property Ownership Issues to Conduct Remediation under the U.S. EPA Unilateral Administrative Order, Albion-Sheridan Township Landfill, Albion, Michigan, Sale Deed No. 190518

Dear Ms. Hinkle:

This letter is to expedite resolution of determining the validity of the above Sale Deed (attached) so that the Albion-Sheridan Township Landfill Group (Group) can mobilize to the site for purposes of beginning the site remediation in accordance with the U.S. EPA's Unilateral Administrative Order schedule. The Group is comprised of companies that are committed to the environmental remediation of one of the properties the state conveyed to Environmental Resource Recovery, Inc., in Sale Deed No. 190518. We have been unable to contact Environmental Resource Recovery to obtain access to the property to begin remediation. The property is described in the Sale Deed as:

*SUPERVISOR'S PLAT SEC. 36
TOWNSHIP OF SHERIDAN*

*Lot 28 except com SW corner of Lot 28, N 250 feet along W line of said Lot 28, E 300 feet, S to S line of said Lot 28, Wly along S line said Lot 28 to POB
193620450000*

It is our understanding that the above described property has two parcels that were conveyed. One of the parcels is the landfill site and the other parcel, located adjacent to the site, is owned by Luster and Ollie Prater. The Praters have been paying taxes on the land for approximately eight years. It is our understanding that the state did not provide the Praters proper notification of the intended sale, making the sale void. Mr. Gary Hartsuff of your office had concurred with this conclusion with me approximately three weeks ago and with Mr. Ron DeGraw, counsel to the Group, one week ago.

38777 W. Six Mile Road, Suite 200
Livonia, Michigan 48152
313-464-1800 • Fax: 313-464-1823

The Albion-Sheridan Landfill PRP Group

Ms. Lois Hinkle
Michigan Department of Natural Resources
November 10, 1997
Page 2

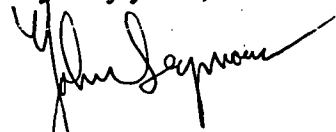
Myself and Mr. Ron DeGraw have had several conversations with Mr. Hartsuff concerning this property since October 9, 1997 and discussed the urgent need to remediate the property. We have been unsuccessful in obtaining a formal response as to the status of the property to the extent that will allow us access to the site for mobilization of manpower and equipment. The Group needs your help to rapidly obtain site access, whether through voiding the sale or by any other method you can recommend.

The U.S. EPA has given the Group an Administrative Order to clean up the site; as part of the approved project documents, the EPA has required the Group to clean up the site beginning this fall. As discussed previously, mobilization must occur within two weeks to maintain the fall schedule; therefore, we need your resolution of this issue within one week. The U.S. EPA and the MDEQ are reluctant to begin legal proceedings to obtain access to the site because their efforts are not necessary if the sale is void. Therefore, the Group cannot remediate the site until the MDNR voids the sale so we can mobilize to the site under the "Consent to Enter State Owned Property" provided to the Group by the MDNR (attached).

We need to have this issue resolved by the MDNR in writing as soon as possible. We have selected a contractor to complete the work and must begin work within the next two weeks. The U.S. EPA is concerned that the schedule will not be met. It is imperative that the MDNR resolve the status of the site, presumably by voiding the sale, so we can make necessary arrangements to begin the environmental remediation.

Please call me at (313) 464-1800.

Very truly yours,



John Seymour, P.E.
Project Coordinator

JPS:jps

cc: Jon Peterson (EPA)
Kurt Lindland (EPA Counsel)
Sally Averill (EPA)
Kim Sakowski (MDEQ)
G. Hartsuff (MDNR)

**SALE DEED**

No. 190516

MICHIGAN DEPARTMENT OF NATURAL RESOURCES
REAL ESTATE DIVISION

Issued under Section 131, Act 206, Public Acts of 1893, as amended.

THIS DEED, made this 25TH day of March, 1997 BY AND BETWEEN, the DEPARTMENT OF NATURAL RESOURCES for the STATE OF MICHIGAN, by authority of Act 451, P.A. of 1994, as amended, hereafter called "Grantor", and

Environmental Resource Recovery, Inc.
4217 Highland Road, #290
Waterford, Michigan 48328

hereafter called "Grantee".

WITNESS, that the Grantor, acting for and in behalf of the State of Michigan by authority of Section 131, Act 206, P.A. 1893, as amended, and for the sum of Two Hundred Sixty Five (\$ 265.00) DOLLARS paid to it by Grantee, hereby grants, conveys, and quit-claims unto the Grantee and to Grantee's heirs, successors, and assigns, all the right, title and interest acquired by the State of Michigan in and to the following described land located in the County of Calhoun, State of Michigan:

CITY OF SPRINGFIELD
MERRILL PARK
Blk 4 N 30 ft of Lot 1
541100250100

TOWNSHIP OF EMMETT
BROWNLEE PARK

✓ Blk 48 Lots 1 thru 10 Incl also Lots 23 to 32 Incl and pt adj Hodgson Ave
101802470000

→ SUPERVISOR'S PLAT SEC. 36
TOWNSHIP OF SHERIDAN

1 Lot 28 except com SW corner of Lot 28, N 250 feet along W line of said Lot 28, E 300 feet, S to S line of said Lot 28, Wly along S line said Lot 28 to POB
193620450000

↓ TOWNSHIP OF EMMETT
BROWNLEE PARK

Blk 47 Lots 1 thru 10 Incl also Lots 23 to 32 Incl and part adj Hodgson Ave
101802460000

Exemption from State Transfer Tax is claimed under authority of Section 5(1)(i), Act 255, P.A. 1994 (207.525, Michigan Compiled Laws).

Exemption from County Real Property Transfer Fee is claimed under authority of Section 5(1), Act 134, P.A. 1965 (207.505, Michigan Compiled Laws).

SAVING AND EXCEPTING OUT OF THIS CONVEYANCE and always reserving unto the said State of Michigan, all mineral, coal, oil and gas, lying and being on, within or under the said lands whereby conveyed, except sand, gravel, clay or other nonmetallic minerals with full and free liberty and power to the said State of Michigan, its duly authorized officers, representatives and assigns, and its or their lessees, agents and workmen, and all other persons by its or their authority or permission, whether already given or hereafter to be given at any time and from time to time, to enter upon said lands and take all usual, necessary, or convenient means for exploring, mining, working, piping, getting, laying up, storing, dressing, make merchantable, and taking away the said mineral, coal, oil and gas, except sand, gravel, clay or other nonmetallic minerals, and also saving and reserving unto the People of the State of Michigan the rights of ingress and egress over and across all of the above mentioned descriptions of land lying along any watercourse or stream, pursuant to the provisions of Part 5, Act 451, P.A. 1994, as amended. Further, excepting and reserving to the State of Michigan, all aboriginal antiquities including mounds, earth-works, forts, burial and village sites, mines or other relics and also reserving the right to explore and excavate for the same, by and through its duly authorized agents and employees, pursuant to the provisions of Part 761, Aboriginal Records and Antiquities, of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994, as amended.

IN WITNESS WHEREOF, the Grantor, by its Manager, Land Records and Tax Reversion, has signed and affixed the seal of the Department of Natural Resources the day and year first above written.

Signed, Sealed and Delivered in Presence of:

DEPARTMENT OF NATURAL RESOURCES
FOR THE STATE OF MICHIGAN

Patricia A. Simon
Patricia A. Simon

Carolyn I. Elliott
Carolyn I. Elliott

By:

Lois A. Hinkle
Lois A. Hinkle, Manager
Land Records & Tax Reversion
Real Estate Division

STATE OF
MICHIGAN

} ss.

County of Ingham

The foregoing instrument was acknowledged before me this 2nd day of July, 1997, by Lois A. Hinkle, Manager, Land Records and Tax Reversion, Real Estate Division of the Department of Natural Resources for the State of Michigan.

Roxanne L. Harris
Roxanne L. Harris, Notary Public
Ingham County, Michigan

Recorded in Liber 384 of Deeds, Page 18
(Real Estate Division Records)

Prepared by:

CAROLYN I. ELLIOTT
REAL ESTATE DIVISION
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
P O BOX 30448
LANSING MICHIGAN 48909-7948

My Commission Expires: February 21, 1999



JOHN ENGLER, Governor
DEPARTMENT OF ENVIRONMENTAL QUALITY
HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973
RUSSELL J. HARDING, Director

REPLY TO:

ENVIRONMENTAL RESPONSE DIVISION
KNAPPS CENTRE
PO BOX 30426
LANSING MI 48909-7926

June 11, 1996

"SITE ACCESS" FILE

Mr. John Seymour
Woodward-Clyde Consultants
38777 West Six Mile Road
Suite 200
Livonia, Michigan 48152

Dear Mr. Seymour:

Please find attached a copy of the consent to enter state owned property for the Albion Sheridan Township Landfill.

If you have any questions or would like to discuss anything included in this letter, please feel free to contact me.

Sincerely,

Kim Sakowski
Superfund Section
Environmental Response Division
517-335-3391

Attachment

cc/att: Mr. Louis Steinbrecker, City of Albion
Ms. Andrea Kojm Thomas, Coming, Inc.
Mr. Terrence DeWeerd, Decker Manufacturing Corp.
Mr. Ciel Price, Cooper Industries
Albion Sheridan Township Landfill file (F8)
SMU2 file

CONSENT TO ENTER STATE OWNED PROPERTY

Property Description: Property Number: 193620450000, Supervisor's Plat No. 28, Section 36, Sheridan Township, Calhoun County.

I, Rodney Stokes, Chief, Real Estate Division, on behalf of the Michigan Department of Natural Resources (MDNR), having been informed of the request of the Albion-Sheridan Landfill Liable Party Group to conduct response activities on the property/properties, hereby permit and authorize the Albion-Sheridan Township Landfill Liable Party Group, its employees, contractors, or authorized representatives to have entry and re-entry, as necessary, to the above-described premises in order to undertake any and all response activities necessary to construct a solid waste landfill cover over the entire landfill mass; install an active landfill gas collection system; monitor the groundwater; remove and dispose of drums containing hazardous and liquid wastes; and use institutional controls on the landfill property to limit both land and groundwater use.

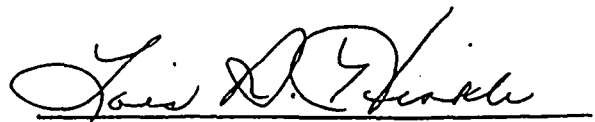
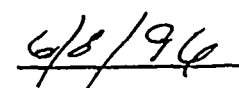
I request that a representative of ERD, Superfund Section, Lansing Office be notified within 7 days prior to the initiation of response activities to allow for a representative of the MDEQ to accompany the Albion-Sheridan Township Landfill Liable Party Group, its employees, contractors, or authorized representatives during these activities; to participate in the collection of any split samples taken as part of these activities; and, if so requested, to receive a copy of any sample analysis results, photographs, or videotapes taken as part of these activities. While on site during these sampling activities, I agree to comply with the requirements of the facility health and safety plan that has been submitted to the MDEQ prior to the granting of access.

I agree that the duration of this entry authorization shall be of such reasonable length to enable the Albion-Sheridan Township Landfill Liable Party Group, its employees, its contractors, or its authorized representatives, to satisfactorily complete the necessary response activities. In the event that I choose to revoke this entry authorization, I agree that I will do so in writing to Louis Steinbrecker, City Manager, City of Albion, 112 West Cass Street, Albion, Michigan 49224-1798; Andrea Kojm Thomas, Coming, Inc., Houghton Park, Coming, NY 14831; Cell Price, Cooper Industries, P.O. Box 4446, Houston, Texas, 77210; and Terrence DeWeerd, Decker Manufacturing Corp., 703 N. Clark Street, Albion, Michigan 49224, at least seven days prior to the effective date of the revocation of entry authorization. The MDNR also agrees that as long as this entry authorization remains in force, the MDNR will not interfere with, interrupt, change, or otherwise disturb any systems or equipment installed or utilized by the Albion-Sheridan Township Landfill Liable Party Group, its employees, contractors, or authorized representatives.

The subject property has been acquired by the State of Michigan through tax reversion and may contain personal property or fixtures which are not owned or controlled by the State. This access is granted with the understanding that the Albion-Sheridan Township Landfill Liable Party Group will not disturb any personal property or fixtures which have come to be located on the surface of the State-owned parcel. Upon completion of response activities the Albion-Sheridan Township Landfill Liable Party Group will attempt to restore any property, vegetation or structures which may have been damaged by the Albion-Sheridan Township Landfill Liable Party Group, its employees, its contractors, or its authorized representatives during the performance of the response activities, to its original condition. This access is granted with the additional understanding that the Albion-Sheridan Township Landfill Liable Party Group, its employees, its contractors, or its authorized representatives will comply with all applicable state and federal laws.


Chief, Real Estate Division


Date

Mailing Address:

**Rodney Stokes, Chief
Real Estate Division
Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909**

With copies to:

**Gary Hartsuff
Tax Land Services
Real Estate Division
Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909**

**Kim Sakowski
Superfund Section
Environmental Response Division
Department of Environmental Quality
P.O. Box 30426
Lansing, Michigan 48909-4706**

